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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,058	12/03/2003	Tonni Sandager Larsen	40000-0050	1351

20480   7590   03/27/2006

STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN, UT 84095

EXAMINER
CHU, DAVID H

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/728,058	LARSEN ET AL.
	Examiner	Art Unit
	David H. Chu	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12/03/2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/03/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claim 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.   The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

4.   Note with respect to claim 7, examiner understood, "...completing covering..." as "...completely covering..."

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-3, 10-14, 24, 25 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eric et al. ("Flash MX Tutorials"), and further in view of Ueno et al. (U.S. Patent No. 6483609).

7.   <u>Note with respect to claim 1</u>, Eric et al. teaches:

8.   A method of transitioning between two high resolution images in a slideshow, said method comprising:

9.   Replacing a first image with a compressed first image; (pg 30-31, Modify bitmap compression)

10.   Fading out said compressed copy of said first image to reveal a second image (pg 32-36, all steps).

11.   However, Eric does note expressly teach:

12.   Replacing a first image with a lower resolution copy of said first image;

13.   Ueno et al. teaches:

14.   Converting high-resolution image data into low-resolution image data and furthermore compressing the data (col. 2, line 46-54).

15.   Therefore, it would have been obvious to one of an ordinary skill in the art modify the image compression step of Eric et al. to convert an image to a lower resolution prior

to compression as taught by Ueno et al., because this will reduce the transmitted or

stored data amount.

16.   <u>Note with respect to claim 2</u>, Eric et al. does not expressly teach:

17.   The method of claim 1, further comprising disabling a graphic overlay and

displaying said first image prior to replacing first image.

18.   However, it is well known in the art, to select all unwanted objects (including

graphic overlays) and delete (clear) them as desired.

19.   Further, Eric et al. teaches deleting keyframes if it has been added by mistake

(pg 32, "Note" under step 8 of "Edit a symbol").

20.   Therefore, it would have been obvious to one of an ordinary skill in the art apply

the method of disabling a graphic overlay and displaying said first image to the

teachings of Eric et al., because this will allow the prevention of displaying unwanted

images.

21.   <u>Note with respect to claim 3</u>, Eric et al. teaches:

22.   The method of claim 1, further comprising pointing a video overlay at said first

image to display said first image prior to said replacing of said first image (pg 30-31,

Modify bitmap compression).

23.   The process of importing an image and modifying the bitmap compression as taught by Eric et al., while utilizing a preview window, inherently show that he first (original) image is displayed prior to replacing it.

24.   Further, the examiner under stood the step of "pointing a video overlay at first image" as the equivalent to the step of displaying the first image. The video overlay, as recited by applicant, is merely the step or method of displaying an image in the video buffer.

25.   As discussed above, to import an image for compression, inherently displays the image on the workspace of Flash MX.

26.   Note with respect to claims 10 and 12, Eric et al. teaches:

27.   The method of claim 1, wherein said first/second image is a still image (pg 29-30, Import images into the library).

28.   Note with respect to claim 24, Eric et al. teaches:

29.   A media viewer application ("Flash MX" taught by Eric et al.) stored on a medium for storing processor-readable instructions,

30.   Said application comprising a slideshow function [pg 32-36, all steps],

31.   Wherein said slideshow function, when invoked, automatically displays a
sequence of images stored on a selected storage medium to produce a slideshow [pg
36, Test the movie].

32.   Wherein said slideshow function is configured to replace a first image with a
lower resolution copy of said first image and then fade out said lower resolution copy of
said first image to reveal a second image [pg 32-36, all steps].

33.   Note with respect to claim 25, claim 25 is similar in scope to the claim 3, thus the
rejections to claim 3 hereinabove are also applicable to claim 25.

34.   Note with respect to claims 29 and 31, claims 29 and 31 are similar in scope to
the claims 10 and 12, thus the rejections to claims 10 and 12 hereinabove are also
applicable to claims 29 and 31.

**Claims 4-9, 26-28 and 33-49 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Eric et al., in view of Ueno et al., and further in view of Torres
et al. (U.S. Patent No. 6738075).**

35.   Note with respect to claims 4 and 9, Eric et al. does not expressly teach:

36.   The method of claim 1, further comprising storing said first image in first video buffer. And;

37.   The method of claim 1, further comprising storing said second image in a second video buffer.

38.   However, Torres et al. teaches:

39.   A massive storage device 122 (col. 3, line 61). It is inherent for a storage device to have plural storage locations (first/second video buffers).

40.   Therefore, it would have been obvious to one of an ordinary skill in the art to store the first and second images taught by Eric et al. to the storage device of Torres et al., because the method of Eric et al. will not be able function without storing data in a storage device.

41.   <u>Note with respect to claim 5</u>, Eric et al. teaches:

42.   The method of claim 3, further comprising making said lower resolution copy of said first image as discussed above with respect to claim 1.

43.   However, Eric et al. does not expressly teach:

44.   Storing said lower resolution copy of said first image in a graphic buffer.

45.   Torres et al. teaches:

46.   A DRAM 126 that is used to store still image and graphics data, wherein said

graphic data is used as an overlay to video (col. 4, line 29-33) (col. 5, line 25-34).

47.   Therefore, it would have been obvious to one of an ordinary skill in the art to

store the lower resolution copy taught by Eric et al. into the DRAM taught by Torres et

al., because the method of Eric et al. will not be able function without storing data in a

storage device.

48.   Note with respect to claim 6, Eric et al. does not expressly teach:

49.   The method of claim 5, further comprising:

50.   Pointing a graphic overlay at said lower resolution copy of said first image and

enabling said graphic overlay.

51.   However, Torres et al teaches, a mixer that overlay graphic data from the DRAM,

discussed above, to video (col. 5, line 25-34).

52.   Therefore, it would have been obvious to one of an ordinary skill in the art to

consider the lower resolution copy of said first image as a graphic overlay to the first

image and display it as recited in claim 5, because this will enable a more efficient

transitioning process

53.   Note with respect to claim 7, Eric et al. does not expressly teach:

54.   The method of claim 6, further comprising completely covering a display of said

first image with said graphic overlay of said lower resolution copy of said first image.

55.   It would have been obvious to one of an ordinary skill in the art to completely

cover said first image with a with said graphic overlay of said lower resolution copy of

first image, because not being able to completely cover the higher resolution image will

be less efficient during special effect transition.

56.   Note with respect to claim 8, Eric et al. teaches:

57.   The method of claim 6, further comprising pointing said video overlay at said

second image before fading out said lower resolution copy of said first image to reveal

said second image [pg 32-36, all steps].

58.   Note with respect to claims 11 and 13, Eric et al. does not expressly teach:

59.   The method of claim 1, wherein said first/second image is a frame of a video clip.

60.   However, Torres et al. teaches:

61.   Creating a slideshow from randomly selected ones of a heterogeneous media

objects (col. 2, line 36-50).

62.   It would have been obvious to one of an ordinary skill in the art to utilize a frame

of a video clip as one of the heterogeneous media taught by Torres et al. for creating a

slideshow as taught by Eric et al., because this will allow the user to gain access to added variety of data and customization.

63.   Note with respect to claim 26, claim 26 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 26.

64.   Note with respect to claim 27, claim 27 is similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claim 27.

65.   Note with respect to claim 28, claim 28 is similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 28.

66.   Note with respect to claims 30 and 32, claims 30 and 32 are similar in scope to the claims 11 and 13, thus the rejections to claims 11 and 13 hereinabove are also applicable to claims 30 and 32.

67.   Note with respect to claim 15, claim 15 is similar in scope to the claims 4, 5, 9, 1, thus the rejections to claims 4, 5, 9, 1 hereinabove are also applicable to claim 15.

68.   Note with respect to claim 16, claim 16 is similar in scope to the claim 3, thus the rejections to claim 3 hereinabove are also applicable to claim 16.

69.   Note with respect to claim 17, claim 17 is similar in scope to the claim 5, thus the rejections to claim 5 hereinabove are also applicable to claim 17.

70.   Note with respect to claim 18, claim 18 is similar in scope to the claims 6 and 7, thus the rejections to claims 6 and 7 hereinabove are also applicable to claim 18.

71.   Note with respect to claim 19, claim 19 is similar in scope to the claim 8, thus the rejections to claim 8 hereinabove are also applicable to claim 19.

72.   Note with respect to claims 20 and 22, claims 20 and 22 are similar in scope to the claims 10 and 12, thus the rejections to claims 10 and 12 hereinabove are also applicable to claims 20 and 22.

73.   Note with respect to claims 21 and 23, claims 21 and 23 are similar in scope to the claims 11 and 13, thus the rejections to claims 11 and 13 hereinabove are also applicable to claims 21 and 23.

74.   Note with respect to claim 33, Eric teaches the media viewer application as

discussed above with respect to claim rejection 24.

75.   However, Eric et al. does not expressly teach:

76.   A system for displaying images stored on a storage medium, said system

comprising:

77.   A video monitor; and

78.   A device for reading a data storage medium and outputting a signal to said video

monitor.

79.   Torres et al. teaches:

80.   A system for displaying images stored on a storage medium, said system

comprising:

81.   A video monitor ([display screen 140], col. 3, line 67); and

82.   A device ([CPU], col. 4, line 4-5) for reading a data storage medium and

outputting a signal to said video monitor (col. 3, line 51 – col.4 line 23).

83.   Therefore, it would have been obvious to one of an ordinary skill in the art to

apply the system teachings of Torres et al. to the media viewer application teaching of

Eric et al., because the user would not be able to utilize the application without the

system recited above.

84.   Note with respect to claims 34-39, it is well known in the art to apply said device

for reading said data storage medium to the different devices as recited by applicant.

85.   Therefore, it would have been obvious to one of an ordinary skill in the art to

utilize the different devices recited by applicant, because they are merely different

devices capable of carrying out the same function.

86.   Note with respect to claim 40, claim 40 is similar in scope to the claim 16, thus

the rejections to claim 16 hereinabove are also applicable to claim 40.

87.   Note with respect to claim 41, claim 41 is similar in scope to the claim 17, thus

the rejections to claim 17 hereinabove are also applicable to claim 41.

88.   Note with respect to claim 42, claim 42 is similar in scope to the claim 18, thus

the rejections to claim 18 hereinabove are also applicable to claim 42.

89.   Note with respect to claim 43, claim 43 is similar in scope to the claim 19, thus

the rejections to claim 19 hereinabove are also applicable to claim 43.

90.   Note with respect to claim 44, claim 44 is similar in scope to the claim 33, thus

the rejections to claim 33 hereinabove are also applicable to claim 44.

91.   Note with respect to claims 45-48, claims 45-48 are similar in scope to the claims

34-37, thus the rejections to claims 34-37 hereinabove are also applicable to claims 45-

48.

92.   Note with respect to claim 49, claim 49 is similar in scope to the claim 24, thus

the rejections to claim 24 hereinabove are also applicable to claim 49.

Conclusion

93.   Paul et al. (U.S. Patent No. 20040210845) teaches:

94.   A software system for use on the Internet that allows users to create view slide-

shows of stored digital photographs from any Internet access platform

95.   Otala et al. (U.S. Patent No. 20040223747) teaches:

96.   The user creates slide shows of photos stored on the storage device that show

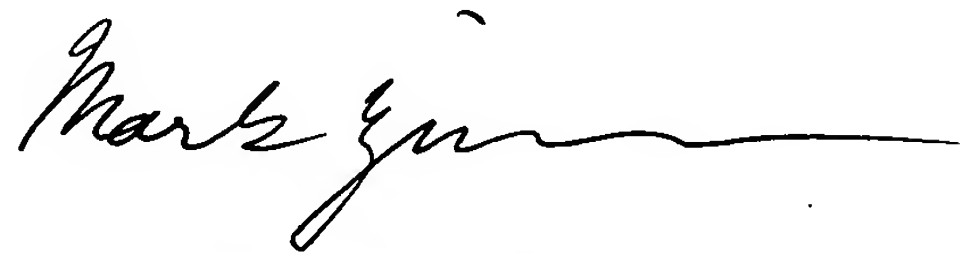each photo and/or movie in sequence or with transition special effects between photos.

97.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David H. Chu whose telephone number is (571) 272-

8079. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark k. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DHC

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600